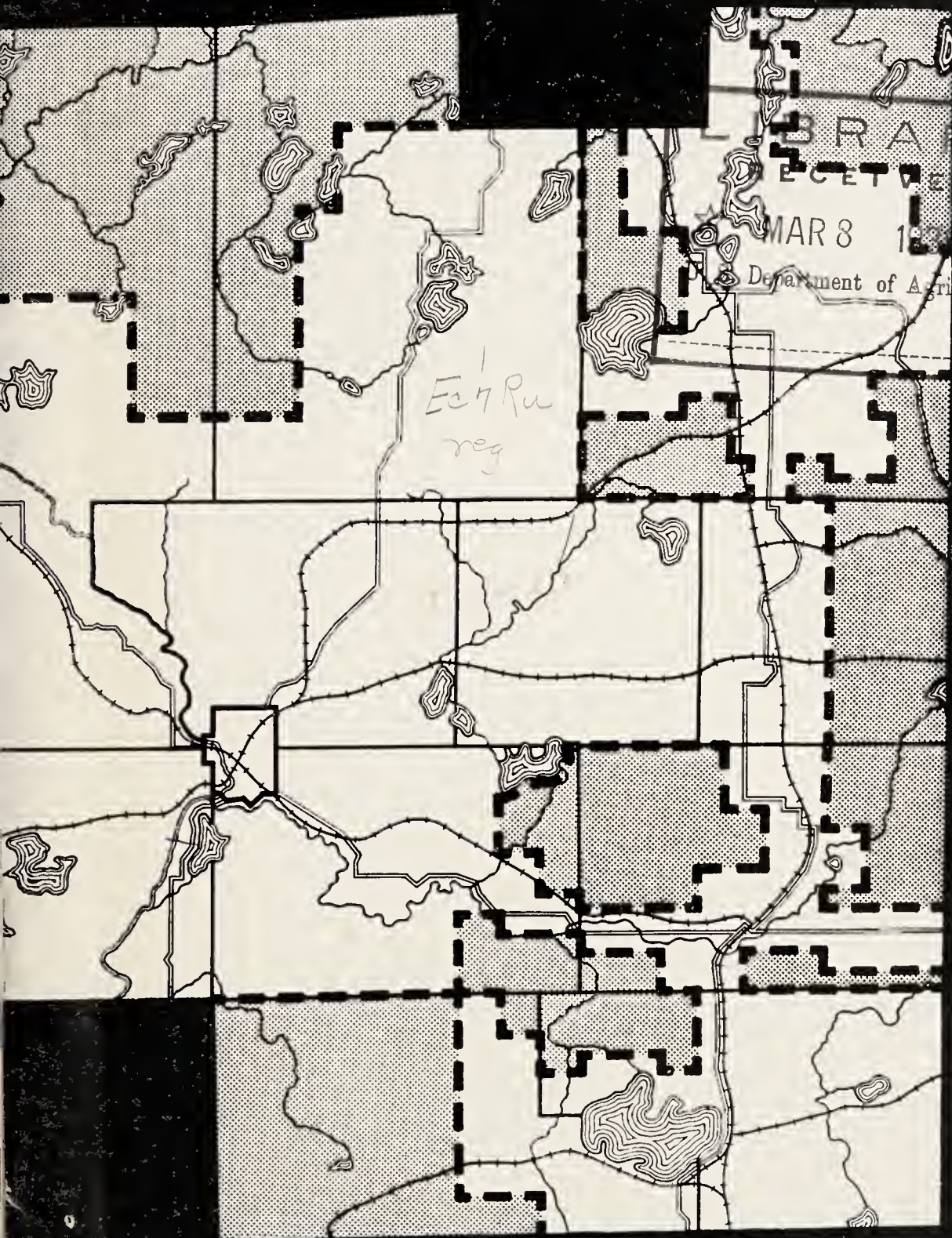


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RURAL ZONING AND YOUR COUNTY



UNITED STATES DEPARTMENT OF AGRICULTURE
BUREAU OF AGRICULTURAL ECONOMICS



PEOPLE ARE TALKING. All through the country farmers are discussing how to manage their acres to better advantage, how to conserve their resources of soil, water, grass, and timber, and how to adjust their use of the land to the limitations and opportunities that Nature provides. While the people of rural communities follow with interest the Federal programs for better land use, they are also working out local programs of their own. For example, they are giving increased attention to a new technique for preventing the waste of land—rural zoning. They have watched it spread from its first proving ground in Wisconsin, and naturally want to know more about this method of guiding land use into constructive channels. What does it aim to accomplish? How practical has it turned out to be? This publication is designed to present the A B C of rural zoning in nontechnical terms as an aid to the further discussion and understanding of this important land use measure.

United States Department of Agriculture
Bureau of Agricultural Economics

Rural Zoning and Your County

SIX YEARS AGO a man brought his wife and two children to a certain county in a cut-over forest area, hoping to establish a prosperous farm and a good home. No one who knew the character of the poor land in this locality would have thought of settling there with such an ambition. But this man did not know.

Soon after he had put together a tar-paper shack as a temporary home, his disillusionment began. Endless labor in clearing land and planting crops in unproductive soil yielded him only an aching back and a broken heart. Stranded on the so-called "farm" in which his hopes and meager fortune had been invested, he turned to whatever other source of income he could find. His home was 12 miles from the nearest school, so he wrote to the county school superintendent:

"My wife still has her teaching certificate. Couldn't you give her a job teaching the children at home rather than have them travel 24 miles a day to and from school? If you can't, well, I have a Ford that will run. How about giving me a job driving them back and forth to school?"

The county was legally bound to see that the settler's children had schooling. There was no alternative but to follow one of the settler's suggestions, and so the county was saddled with a new expense. For at that time it had no zoning ordinance in force that would have prevented this misguided family from settling on submarginal land and burdening the county. It would be different now.

This incident, drawn from Wisconsin, illustrates a problem common to one county after another throughout rural America—the problem of scattered farmsteads on poor land where families are bankrupting both themselves and their communities. What can a county do when farmers take up tracts in unsettled poor-land areas 15 miles from town and then demand teachers and school rooms for their children and roads to their front doors?



Cost of school transportation for children of isolated rural families is increasingly burdensome to many counties. Rural zoning can prevent the burden from growing.

Submarginal Farms: A Cost to Counties

In one county in Minnesota, the public expense of taking to school the children from 28 isolated homes averaged \$185 a family—when the average tax against these farms was only \$10, and not all of that was collected. In 13 typical cases where Minnesota was providing roads in 1932 for one or two families, the taxes on these farms covered less than 8 percent of the cost of the roads alone.

Or look at Indiana. In destitute townships of a typical county in the southern part of that State, public expenditures outweigh local receipts by 9 to 1, and the cost of roads and schools together are four times the income from these outlying districts. A thousand miles away, Maine finds the same problem. Here are two farms with a joint income of \$60. At an annual cost of \$294 the town maintains them with a mile-and-a-half road and school service. And it has to bill the farms with taxes of \$136, which they can't conceivably pay.

Naturally, county governments want to give each child at least a grade-school education, no matter how much or little his parents can contribute in taxes. But it isn't easy when it costs eight or nine times as much to teach the children of settlers living on scattered submarginal farms as it does to teach children in good and compactly settled rural communities. That's what Cameron County in Pennsylvania found out when the State planning commission studied its school system and reported that it cost \$40.86 a year to teach a pupil in a school with an average attendance of 126, and \$378.46 to teach a child in districts with a usual school attendance of only 2.

In the South are many large areas of sparsely populated cut-over lands, red clay hills and sand strips, from which farmers can scarcely exact gross incomes of \$100 to \$200 a year. The pressure of an increasing Southern population makes it almost certain that new settlers will be pushing into these barren sectors with their plows. This means that unless the counties can stop these immigrants from vain attempts to farm such land, they will soon be handing out more and more relief, and incurring heavier service expenses, with no appreciable increase in their tax receipts. In other parts of the country, too, reoccupancy of abandoned submarginal farm land comprises a threat to county solvency, and for the same reason.

Good Land Use Is Good Economy

Many counties have decided it's a problem of good land use, at bottom. A county can't afford to ignore the way its resources are being used—government, in short, can't be divorced from economics. A county can shut its eyes to the fact that its inhabitants are putting the land to the wrong use, but it can't blink away the inevitable reckoning. The rural community and its government are tied to the land; tied to its good use. If a county allows farmers to settle on poor land, poorly located, and to try to wring a living from cultivating soil that is fit only for pasture or timber—then it is inviting trouble. On such land, no farmer, however energetic, can make a decent living or pay taxes. To permit farmers to settle such farms and then demand county services is, in the long run, to throw good money after bad and, at the same time, to encourage the continued abuse of the land.

The charred acres of once-wooded country are silent evidence of the danger of submarginal farming in forest tracts. Potentially renewable forests have gone up in smoke because of the carelessness of isolated settlers and the lack of necessary means of control. Game has been killed off, frightened away, or starved, by the clearing of its feed and cover. Recreational advantages of a district—of increasing economic importance to rural communities—have been thus impaired, and the solitude of the wilderness broken by clusters of squatters' shacks.

What can a county do to stop this human and material deterioration?

One Answer—Rural Zoning

What is zoning, how is it accomplished, and under what authority? Zoning is the creation of districts in which certain land uses and settlement are regulated by law because they are injurious to the public interest.



Reoccupation of abandoned and isolated poverty farms creates a social problem that wise zoning can often prevent.



The leaning tower of an abandoned farm symbolizes the waste in cultivating submarginal tracts.

For a county to zone, its State must first pass a law giving it the needed authority. Under such an act, no county is forced to zone—it is simply granted the power to do so if it chooses, under the “police power”—which is the power to impose reasonable restrictions upon property and its uses “for the purpose of promoting public health, safety, and general welfare.”

Once the enabling act is passed, the following steps have proved to be advisable:

- (1) A county board appoints a zoning committee to assemble data dealing with the physical characteristics of the land, road and school costs, relief burden, tax status, and other pertinent matters about the poorer outlying areas of the county;
- (2) the committee then prepares and sponsors a zoning ordinance and a map outlining the districts in which certain uses are prohibited; and—
- (3) this committee conducts preliminary meetings in the rural communities to discuss the pros and cons of zoning in general; after which—
- (4) county-wide hearings are held where those who object to the specific provisions of the proposed ordinance and the tentative boundaries laid out in the map may state their case.

- (5) Then if the ordinance—perhaps modified by this time—receives the approval of the county board, the county enacts the ordinance, publishes the text and the accompanying map, proceeds to its enforcement, which implies among other things—
- (6) the public recording of “nonconforming uses” of land in restricted districts—that is, established uses that are not affected by the ordinance until they are discontinued.

To cooperate with States and counties in this work, the Bureau of Agricultural Economics is extending the help of its State offices.

Zoning, then, is a democratic process. The decision to zone is entirely up to the county itself; and the formation of the restricted-use districts is in its hands also. Before an ordinance is enacted, every citizen has a chance to express his opinion for or against it either in whole or in part.

Zoning, then, is also a reasonable process. Established property rights are protected by allowing “nonconforming uses” to continue until they are voluntarily or equitably ended. Moreover, if any individual should suffer an undue hardship through the literal application of the ordinance, he would have recourse to a board of adjustment.



Small schools for few children—typical of many sparsely settled submarginal areas—involve high costs per pupil, and frequently impose burdens on taxpayers outside the area.

How popular has rural zoning proved to be? Rural zoning legislation is a relatively new thing. But it derives from urban zoning, which has a history behind it. The first comprehensive city zoning ordinance was adopted in 1916, and long before this there had been specific regulations of a zoning nature. Now 1,300 municipalities have zoning ordinances—cities in which live more than 65,000,000 people. In every State, some or all of the cities have been empowered to zone.

But the first full-fledged rural zoning enabling act didn't come until 1929. It came in Wisconsin, and the first county to make use of it was Oneida, in 1933. County rural zoning enabling legislation, more or less along the lines of the Wisconsin law, has been enacted by Michigan, Pennsylvania, Virginia, California, Indiana, and Washington. In addition, Tennessee and Georgia have authorized rural zoning in a limited number of counties. Township rural zoning is also permitted under certain conditions in Michigan and Pennsylvania. Four counties in Michigan have authorized the county boards to proceed with the formulation of zoning ordinances and in two counties they are now being prepared. And many States in all sections of the Nation are giving consideration to the matter.

Where Rural Zoning Has Worked

Wisconsin's experience with rural zoning is worth glancing at. By zoning, 24 counties in the State have restricted the use of some 5,000,000 acres, setting aside districts in which only forestry or recreational development is permitted. Settlers and farmers already established in restricted-use districts may remain, but no newcomers are allowed to break the soil on lands reserved for timber, or in districts marked out for recreational use.

In this way, Wisconsin hopes that, as present occupiers of those districts move away, scattered school districts may be consolidated and expensive roads eliminated, while development of these cut-over tracts as forests, camping grounds, and game preserves will create a stable additional income for the community. County costs per capita then can come down, community life can gain in solidarity and cohesion, and hundreds of families can be helped to end the waste of their lives and resources in futile attempts to farm unrewarding acres.

Though most of the achievements of zoning materialize only with the



Zoning enables a county to choose whether it will let its poor lands be settled in farms

passage of time, already Wisconsin counties have chalked up tangible benefits. Hundreds of families have been prevented from settling in isolated sections and bringing on such misfortunes as usually are associated with scattered settlement. Substantial savings in public costs have thus been effected. As already established families or squatters gradually leave or have their holdings bought by county or Federal Government, existing roads and schools can be closed, resulting in further savings to local taxpayers and relief of settlers.

A Link With Federal Programs

Zoning has a further advantage: linked with a program of submarginal land purchase, such as the land utilization program of the Soil Conservation Service, it can effectively change a wasteful and unproductive pattern of land use into one that will bring material benefit to the county. On the one hand, the purchase program can concentrate on buying out "non-conforming users", such as farmers living in districts zoned for forestry. This will greatly hasten the elimination of expensive services, the closing up of school districts and roads, the ending of fire hazards due to scattered



foredoomed to failure, or restrict them to the growing of fine marketable timber.

settlement, and the prevention of further destruction of the land. For instance, one Wisconsin county recently was able, by purchasing the holdings of five settlers in a restricted district, to close a school that had cost more than \$1,800 a year to operate. A substantial number of such savings has taken place in northern Wisconsin as a result of relocation operations, through land exchange or purchase.

And zoning, on its side, in many instances will make extensive purchase of submarginal lands unnecessary, by preventing the cultivation or settlement of areas that are not suited to such use. The goal of both zoning and a land-purchase program is to make sure that land is kept out of wasteful use—specifically, in this part of the country, that land that is too poor to produce crops will be used for forestry, pasture, recreation, and other conservation purposes, rather than be settled by farm families who will thus be doomed to poverty.

Submarginal land-purchase projects to forward these adjustments in land use are being carried out by the Soil Conservation Service under the Bankhead-Jones Farm Tenant Act. They are making possible extensive



One use to which land unsuited to farming may well be restricted: recreation.

economies for local governments. But even with this Nation-wide program, the limitations of purchase remain. Whether it were desirable or not, there isn't enough money or personnel available to buy up all the submarginal land. In Pennsylvania alone are more than 1,250,000 acres of land in farms that can no longer support families through cultivation.

Other means of facilitating more profitable forms of land use must be relied on. One of these may prove to be rural zoning.

Other Gains

Rural zoning may be used to build up the real value of a county's land resources. In cut-over areas, forestry can be encouraged by rural zoning and thereby helped to furnish a stable and sizable income from forest industries. Protecting the land from misuse will also help to restore feed and cover for birds and small game, which will not only preserve depleted wildlife, but will attract vacationists and hunters to the county.

Recreational advantages deserve to be developed for their own sake, but most counties are becoming aware that they can mean a healthy revenue as

well. Considerably more than a billion dollars is spent yearly by the American people on enjoyment connected with wildlife alone, and a good slice of this goes to rural communities. If a county, then, can keep its scenic portions free of squatters and safe from undesirable exploitation, its foresight may well be rewarded in positive economic returns.

Nowhere is this particular advantage of zoning shown more clearly than in the hilly rural districts of the Eastern United States. Since the decline of commercial crop farming here, these districts have come to rely more and more on the crowds of vacationists who arrive every summer to enjoy the lakes and woods and mountains. Many a rural county's greatest natural resource is its scenic beauty. How can that beauty be preserved from unscrupulous or short-sighted exploitation that in the long run destroys the attractions on which it hopes to profit? How can the East as a whole protect one of its major investments—recreation?

Rural zoning can do much to help. Forests can be zoned against useless and undesirable settlement; recreation districts can be zoned against commercial developments that would injure their basic character; roadsides can be zoned to conserve the attractions for visiting motorists.

Zoning, in short, can both prevent and improve. It can help to stop unwise land use and to encourage wise land use. It can cut county expenditures on one hand, and help build up county revenues on the other.

Rural zoning has found a foothold. It has been tried and found effective. From now on, it may well advance steadily as one means of public control of land in the public interest.

A Sample Rural Zoning Plan

Districts set up under the zoning ordinance in Bayfield County, Wis.:

District No. 1—Forestry District

In the forestry district no building, land, or premises shall be used except for one or more of the following specified uses:

1. Production of forest products.
2. Forest industries.
3. Public and private parks, playgrounds, campgrounds, and golf grounds.
4. Recreational camps and resorts.
5. Private summer cottages and service buildings.
6. Hunting and fishing cabins.
7. Trappers' cabins.
8. Boat liverys.
9. Mines, quarries, and gravel pits.
10. Hydroelectric dams, power plants, flowage areas, transmission lines, and substations.
11. Harvesting any wild crop such as marsh hay, ferns, moss, berries, tree fruits, and tree seeds.

(Explanation.—Any of the above uses are permitted in the forestry district, and all other uses, including family dwellings, shall be prohibited.)

District No. 2—Recreation District

In the recreation district all buildings, lands, or premises may be used for any of the purposes permitted in District No. 1, the forestry district, and in addition, family dwellings are permitted.

(Explanation.—Any of the above uses are permitted in the recreation district, and all other uses, including farms, shall be prohibited because of the fire hazard involved in clearing operations and spoliation of forested conditions adjacent to highly developed recreation property. Such properties demand the maintenance of a maximum of natural conditions to retain their fullest economic value. Family dwellings are permitted in order to allow owners to protect their investment during the entire year.)

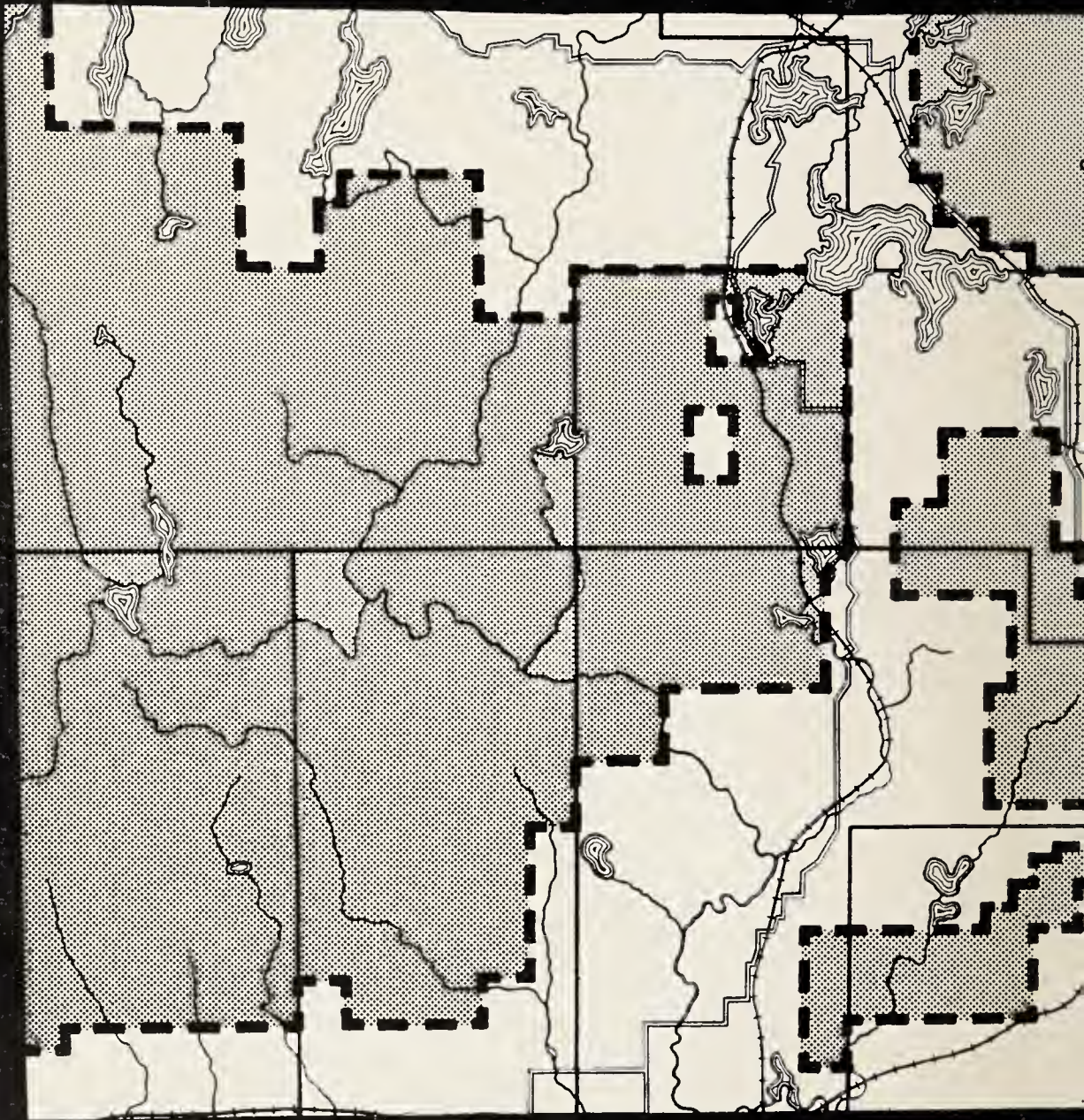
District No. 3—Unrestricted District

In the unrestricted district, any land may be used for any purpose whatsoever, not in conflict with law.

Nonconforming uses.—The lawful use of any building, land, or premises existing at the time of the passage of this ordinance, although such use does not conform to the provisions hereof, may be continued, but if such noneonforming use is discontinued, any future use of said building, land, or premises shall be in conformity with the provisions of this ordinance.

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USE DISTRICTS



Forest and recreation



Unrestricted district